

**IN THE COURT OF APPEALS OF IOWA**

No. 9-967 / 09-0444  
Filed February 10, 2010

**IN RE THE MARRIAGE OF KEVIN  
WILLIAM NELSON AND SAMANTHA  
JEAN NELSON**

**Upon the Petition of  
KEVIN WILLIAM NELSON,**  
Petitioner-Appellee,

**And Concerning  
SAMANTHA JEAN NELSON, n/k/a  
SAMANTHA JEAN MOUW,**  
Respondent-Appellant.

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Appeal from the Iowa District Court for Woodbury County, John D.  
Ackerman, Judge.

The respondent appeals from the district court's order modifying the child  
custody provision of a dissolution decree. **AFFIRMED.**

Alice S. Horneber of Horneber Law Firm, Sioux City, for appellant.

Irene A. Schrunk, Sioux City, for appellee.

Considered by Vogel, P.J., and Doyle and Mansfield, JJ.

**VOGEL, P.J.**

Samantha (Nelson) Mouw and Kevin Nelson are the parents of two boys, N.N. and J.N. In 2005, when the parties' dissolution of marriage decree was entered, they agreed to joint legal custody, with Samantha having physical care of the boys. After a hearing on Kevin's petition for modification, the district court found a material and substantial change of circumstances existed, such that a change in physical care from Samantha to Kevin was warranted. Samantha appeals that decision.

The district court, after considering all the evidence and applying the appropriate factors, found Kevin had carried his burden of proof of demonstrating a substantial and material change in circumstances, that was more or less permanent, and not within the contemplation of the court when the original dissolution of marriage decree was entered. See *In re Marriage of Frederici*, 338 N.W.2d 156, 158 (Iowa 1983). The court also found that Kevin had demonstrated the ability to provide superior care and minister more effectively to the children's well-being. See *Melchiori v. Kooi*, 644 N.W.2d 365, 368 (Iowa Ct. App. 2002). To support its conclusions, the district court filed an extremely detailed, fact-laden fifty-six page decision. Within that decision, the court assessed the credibility of the many witnesses and found the evidence presented supported the change in physical care. Further recitation of the facts would not add to the district court's analysis or change the conclusion in any fashion.

On our de novo review of the record, *In re Marriage of Zabecki*, 389 N.W.2d 396, 398 (Iowa 1986), we agree with the district court and affirm

pursuant to Iowa Court Rule 21.29(1)(a), (d), and (e).

**AFFIRMED.**